



### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PROTEINS THAT REGULATE SYSTEMIC ACQUIRED RESISTANCE IN PLANTS** the specification of which \_\_\_ is attached hereto or X was filed on April 19, 1999 as Application No. 09/294,539 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

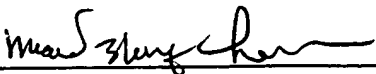

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: <b>CHERN</b>	First Name: <b>MAW SHENQ</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Davis</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>Taiwan</b>	
Post Office Address:	Post Office Address: <b>878 Adams Street</b>	City: <b>Davis</b>	State/Country: <b>California</b>	Postal Code: <b>95616</b>
Full Name of Inventor 2:	Last Name: <b>RONALD</b>	First Name: <b>PAMELA</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Davis</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>USA</b>	
Post Office Address:	Post Office Address: <b>26951 Road 96</b>	City: <b>Davis</b>	State/Country: <b>California</b>	Postal Code: <b>95616</b>

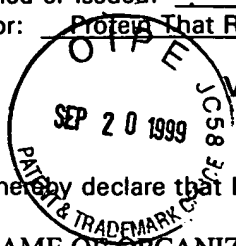
I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  MAW SHENQ CHERN	Signature of Inventor 2  PAMELA RONALD	Signature of Inventor 3  
Date 8/23/99	Date 8/23/99	Date

SF 213203 v1

Applicant or Patentee: Pamela Ror et al.  
Serial or Patent No.: 09,294,539  
Filed or Issued: April 19, 1999  
For: Protein That Regulate Systemic Acquired Resistance in Plants

Doc. No. 023070-094800  
U. C. Case No. 99-232-1



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**[37 CFR § 1.9(f) and § 1.27(d)]--NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: **The Regents of the University of California**  
ADDRESS OF ORGANIZATION: **1111 Franklin Street, 12<sup>th</sup> Floor**  
**Oakland, California 94607-5200**

**TYPE OF ORGANIZATION**

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC § 501(a) and § 601(c) (3)1]  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OR THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC § 501(a) and § 501(c) (3)] IF  
LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES  
OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR § 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled Protein That Regulate Systemic Acquired Resistance in Plants  
by inventor(s) \_\_\_\_\_ described in

- ☐ the specification filed herewith  
☒ application serial no. 09,294,539, filed April 19, 1999  
☐ Patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under **contract** or **law** have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR § 1.27).

NAME N/A  
ADDRESS \_\_\_\_\_  
[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR § 1.28(b)]

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine of imprisonment, or both, under 18 USC § 1001, and may jeopardize the validity of the application, any patent issuing thereon, or any patent which this verified statement is directed.

NAME OF PERSON SIGNING: **Linda S. Stevenson**  
TITLE IN ORGANIZATION: **Principal Prosecution Analyst, Office of Technology Transfer**  
ADDRESS OF PERSON SIGNING: **1111 Franklin Street, 5<sup>th</sup> Floor**  
**Oakland, California 94607-5200**

SIGNATURE Linda S. Stevenson

DATE 9-13-99



Attorney Docket No. 023070-094800

Client Ref. No. 99-232-1

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**Applicant: Maw Sheng Chen and Pamela RonaldApplication No.: 09/294,539Filed: April 19, 1999For: PROTEINS THAT REGULATE SYSTEMIC ACQUIRED RESISTANCE IN PLANTSThe Regents of the University of California, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame(s) \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 9-13-99Name: Linda StevensonTitle: Principal Prosecution AnalystSignature: Linda Stevenson



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents Washington, D.C. 20231  
on September 15, 1999

PATENT  
Attorney Docket No.: 023070-094800US

By: Joy M. Marshall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chern, et al.

Application No.: 09/294,539

Filed: April 19, 1999

For: PROTEINS THAT REGULATE  
SYSTEMIC ACQUIRED RESISTANCE IN  
PLANTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Examiner: Not Assigned

Art Unit: 1643


PETITION TO EXTEND TIME

Sir:

Applicant petitions the Assistant Commissioner of Patents to extend the time for response to the Notice to File Missing Parts of Application dated May 21, 1999 for two months, from July 21, 1999 to September 21, 1999. An appropriate response in the form of a Response to Notice of Missing Parts is enclosed herewith.

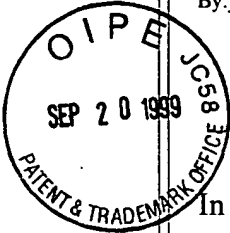
Please charge the fee of \$380.00 to the undersigned's Deposit Account No. 20-1430. Please charge any additional fees or credit overpayment to the above deposit account. This petition is submitted in triplicate.

Respectfully submitted,

  
Kevin L. Bastian  
Reg. No. 34,774

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
KLB:jmmSF 1025370 v1

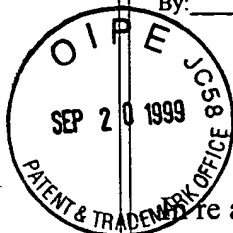
09/22/1999 TLWJ11 00000119 201430 09294539  
04 FC:216 190.00 CH



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents Washington, D.C. 20231  
on September 15, 1999

PATENT  
Attorney Docket No.: 023070-094800US

By: Joy M. Marshall



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

re application of:

Chern, et al.

Application No.: 09/294,539

Filed: April 19, 1999

For: PROTEINS THAT REGULATE  
SYSTEMIC ACQUIRED RESISTANCE IN  
PLANTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Examiner: Not Assigned

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Kevin L. Bastian  
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TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
KLB:jmmSF 1025370 v1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on \_\_\_\_\_



PATENT

Attorney Docket No. 023070-094800US  
UC Case No. 99-232-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chern, et al.

Serial No.: 09/294,539

Filed: April 19, 1999

For: PROTEINS THAT REGULATE  
SYSTEMIC ACQUIRED  
RESISTANCE IN PLANTS

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 CFR § 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Kevin L. Bastian, Reg. No. 34,774; Gregory P. Einhorn, Reg. No. 38,440; M. Henry Heines, Reg. No. 28,219; Laurence J. Hyman, Reg. No. 35,551; Jeffry S. Mann, Reg. No. 42,837; Annette S. Parent, Reg. No. 42,058; Timothy L. Smith, Reg. No. 35,367; William M. Smith, Reg. No. 30,223; Joseph R. Snyder, Reg. No. 39,381; Eugenia Garrett-Wackowski, Reg. No. 37,330; Ellen Lauver Weber, Reg. No. 32,762; Kenneth A. Weber, Reg. No. 31,677; all of the firm of Townsend and Townsend and Crew LLP, as its attorneys to



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Page 2

Attorney Docket No. 023070-094800US  
UC Case No. 99-232-1

prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with 37 CFR § 3.71.

An assignment of the entire interest in the above-identified subject application:

☐ was recorded on \_\_\_\_\_ at reel/frame \_\_\_\_\_

☒ is being concurrently submitted under separate cover to Attn: Box

Assignments for recording, a copy not for recordation is enclosed.

Please direct all telephone calls to Kevin Bastian and all correspondence relative to said application to the following address:

Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834

ASSIGNEE:

THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA

Signature:

Typed Name:

Title:

Linda S. Stevenson  
Linda Stevenson  
Principal Prosecution Analyst  
Office of Technology Transfer  
1111 Franklin Street, 12th Floor  
Oakland, CA 94607-5200

Dated: 9-13-99

rev. 8/11/99  
SF 151310 v1  
SF 1025913 v1